

**REMARKS**

***I. Amendments to the Claims***

Upon entry of the foregoing amendment, fifteen (15) claims are pending in the application. Of the pending claims, five (5) claims are independent.

Claims 59, 61, 62, 67 and 73 have been amended to remove the limitation "having droplets greater than 50  $\mu\text{m}$  in diameter" as discussed in Sections II and III, *infra*.

Claim 59 has been amended to add the steps of "providing a light source" and "heating a photosensitizer with waste heat from the light source." Support for this amendment can be found in the Paragraph [0069], lines 17-20.

Claim 67 has been amended to clarify the language. The same meaning remains intact, and no new matter has been added.

***II. Allowed Subject Matter, Claims 61-66 and 69-73***

The Examiner has noted that claims 61-66 and 69-73 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. 112, first paragraph. Applicant has amended independent claims 61, 62 and 73 to remove the allegedly unsupported language, "having droplets greater than 50  $\mu\text{m}$  in diameter". Accordingly, Applicant submits that claims 61-66 and 69-73 are in condition for allowance.

**III. Claim Rejections under 35 U.S.C. §112**

The Examiner rejected claims 59, 61, 62, 67 and 73 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. This rejection has been rendered moot by the above claim amendments, which remove the allegedly unsupported language, “having droplets greater than 50  $\mu\text{m}$  in diameter” from claims 59, 61, 62, 67 and 73. Nevertheless, applicant respectfully notes that this limitation is supported in Paragraph [0086], lines 13-17 of the specification, which states, “If the droplets are tailored to remain in aerosol form, the typical diameters should be in the range of 1-50  $\mu\text{m}$  diameter. The aerosol droplet size for rapid precipitation onto a surface would preferably be larger than 1-50  $\mu\text{m}$  in diameter.”

**IV. Claim Rejections under 35 U.S.C. § 103**

**A. Rejection of Claims 59-60 under 35 U.S.C. § 103(a)**

The Examiner rejected claims 59-60 under 35 U.S.C. § 103(a) as being unpatentable over Blidschun et al. (US Pat. No. 4,680,163) (the “Blidschun Patent”) and Bayliss et al. (“The Combined Effect of Hydrogen Peroxide and Ultraviolet Irradiation on Bacterial Spores”) (the “Bayliss Paper”). Applicant has amended claim 59 to add the steps of “providing a light source” and “heating a photosensitizer with waste heat from the light source”. Applicant respectfully submits that the cited art does not teach, suggest or motivate the performance of these steps. Accordingly, applicant submits that claims 59 and 60, as amended, are not obvious over the Blidschun Patent and the Bayliss Paper and respectfully requests the rejection be withdrawn.

**B. Rejection of Claims 67-68 under 35 U.S.C. § 103(a)**

The Examiner rejected claim 67 and 68 under 35 U.S.C. § 103(a) as being unpatentable over Kodera et al.(U.S. Pat. No. 4,366,125) (the “Kodera Patent”). Applicant respectfully submits that the Kodera Patent does not teach, suggest or motivate the amended step of “establishing an air flow from the exit to the entrance”. Applicant notes that according to claim 67, the words “exit” and “entrance” refer to the “barrier”, which “defines a treatment space”.

The Office Action notes that according to the Kodera Patent some of the air entering B through the mist supplying pipe (13) will escape into sections A and C. However, the mist supply pipe (13) is not an “exit” as defined in claim 67. Accordingly, the Kodera Patent does not teach, suggest or motivate an air flow “from the exit to the entrance”. As such, applicant submits that claims 67 and 68, as amended, are not obvious over the Kodera Patent and respectfully requests the rejection be withdrawn.

***V. Conclusion***

For the reasons discussed above, applicant respectfully submits that all of the claims are allowable over the prior art of record.


All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal

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communication will expedite prosecution of this application, he is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

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